

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DOMINIC ZIRPOLA,

Plaintiff,

v.

**ORDER**  
12-CV-136S

MIDLAND CREDIT MANAGEMENT, INC.,

Defendant.

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1. Plaintiff commenced this action on February 13, 2012, by filing a Complaint in the Federal District Court for the Western District of New York.

2. On March 27, 2012, Plaintiff and Defendant entered into a stipulation allowing Defendant until April 2, 2012 to file an Answer or otherwise respond to Plaintiff's Complaint. (Docket No. 6.) Since that time, there has been no further filing by Plaintiff.

3. On April 2, 2012, Defendant filed its Motion to Dismiss for Failure to State a Claim. (Docket No. 8.) This Court then issued a scheduling notice. (Docket No. 9.) Pursuant to that scheduling notice, Plaintiff's response to Defendant's motion was to be filed by April 19, 2012. Plaintiff filed no response. Defendant then moved for an order granting its unopposed motion to dismiss. (Docket No. 11.)

4. In a text order issued on May 8, 2012, this Court warned Plaintiff that unless he filed a response to Defendant's original motion to dismiss by May 15, 2012, this Court would consider granting Defendant's motion as unopposed or dismissing this case for failure to prosecute. Plaintiff has filed no response, request for extension, or, indeed, made any other filing. Accordingly,

IT HEREBY IS ORDERED that Defendant's Motion to Dismiss for Failure to State a Claim (Docket No. 8) is GRANTED.

FURTHER, that the Clerk of the Court shall take the necessary steps to close this case.

SO ORDERED.

Dated: June 30, 2012  
Buffalo, New York

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s/William M. Skretny  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court